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January 19, 2017

Marlene Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: Easy Telephone Services Company Petition for Streamlined Designation as a Lifeline Broadband Provider Eligible Telecommunications Carrier; Oral *Ex Parte* Presentation; WC Docket No. 09-197**

Dear Ms. Dortch:

On January 17, 2017, John Heitmann of Kelley Drye & Warren LLP spoke via telephone on behalf of Easy Telephone Services Company (Easy) with Claude Aiken, Legal Advisor to Commissioner Clyburn regarding Easy's pending petition for designation as a Lifeline Broadband Provider (LBP) pursuant to the Lifeline Modernization Order.<sup>1</sup>

During this discussion, I contested the Wireline Competition Bureau's (Bureau's) removal of Easy's petition from streamlined processing. Specifically, I explained that the newly minted LBP designation process already was in danger of becoming a replica of the dysfunctional federal ETC designation and Lifeline-only compliance plan approval processes, through which the Commission has thwarted competitive entry not only in those states where it designates wireless service providers as ETCs, but across the country.<sup>2</sup> By standardizing

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<sup>1</sup> See *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, 3969, para. 22 (2016) (Lifeline Modernization Order).

<sup>2</sup> Easy has had a federal ETC compliance plan pending since March 4, 2013. See *Easy Telephone Services Company Revised Compliance Plan*, WC Docket Nos. 09-197, 11-42 (Filed March 4, 2013). With one exception applicable to two ETCs, each serving a single state, the Bureau last granted approval of a petition for Lifeline-only designation as an eligible telecommunications carrier in August 2012. See *Telecommunications Carriers Eligible for Universal Support, et al.*, WC Docket No. 09-197, Order (rel. August 16, 2012); see also *Telecommunications Carriers Eligible for Universal Service Support, et al.*, WC Docket No. 09-197, Order (rel. Nov. 26, 2014).

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application requirements and review periods, the LBP designation process was designed to streamline competitive entry, not thwart it.

I also contested the Bureau's claim that "[i]n determining whether the Bureau should grant a petition for LBP designation, the Bureau should consider the unique 'advantages and disadvantages of the applicant's service offerings.'"<sup>3</sup> I explained that with the Commission's broadband minimum service standards in place, it should approve applicants on a technology- and service-neutral basis so that consumers can determine for themselves—based on their individual circumstances—the advantages and disadvantages of particular service offerings.

Despite the foregoing concerns, I nevertheless highlighted the unique advantages of Easy's Lifeline broadband service offerings, particularly for Tribal subscribers, who will receive at least 2,250 MB of data per month and a free Wi-Fi-enabled smartphone. Non-tribal subscribers will be able to select from no-cost and low-cost service plans that include a minimum of 500 MB of data and a free smartphone. I also explained that Easy is an established Lifeline service provider with significant experience in providing no-cost and low-cost service to Tribal Lifeline subscribers and in serving those subscribers with an extensive retail presence. The Company enrolls its subscribers, sells top-ups, and upgraded smartphones, and provides customer service through 37 brick and mortar stores and 12 permanent kiosks in Oklahoma, one of the largest store footprints in the state. It also performs regular outreach events staffed by full-time employees, thereby allowing the Company to reach deep into the communities that stand to benefit the most from Lifeline.

I concluded by requesting support for approving Easy's LBP designation so that consumers in states like Texas, Florida and elsewhere could gain access to Easy's unique and innovative Lifeline service offerings.

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<sup>3</sup> See Lifeline Modernization Order ¶ 22.

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Pursuant to Section 1.1206(b) of the Commission's rules, this letter is being filed electronically.

Respectfully submitted,



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*Counsel to Easy Telephone Services  
Company*

cc: Claude Aiken